



09/08/2009 08:19 PM

On Sep 8, 2009, at 11:10 AM, Bearley.Mia@epamail.epa.gov wrote:

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 **paragr 84 and P.Cost defin, pt 2**
Mia Bearley to: Kevin Murray

09/08/2009 11:10 AM

The first change is to try head off potential objections here; the second is to try address the concerns you raised. What do you think?



Past cost defin. & parag 84.doc

----- Forwarded by Mia Bearley/R8/USEPA/US on 09/08/2009 11:00 AM -----

Mia Bearley/R8/USEPA/US

09/08/2009 10:24 AM

To kevin murray

cc

Subject paragr 84 and P.Cost definition

Here's what I originally tried to send - and a past cost definition . . .

I'll send my attempt at new language here in a bit. Thanks, Kevin.

This is what I originally tried to send that Matt ok'd (where my redline didn't show up):

84. EPA has incurred \$386,446.11 in Past Costs for the Site as of the effective date of this Settlement Order. Respondent has raised a number of issues relating to the resolution of Past Costs. The Parties intend to attempt to resolve Past Costs and embody any agreement relating to Past Costs in a future administrative order or consent decree for the Site. Nothing in this paragraph should be construed as a waiver of any rights of the Parties.

HOW ABOUT THIS ALTERNATIVE LANGUAGE?

84. EPA has incurred \$386,446.11 in Past Costs for the Site. Respondent has raised a number of issues relating to the resolution of Past Costs. The Parties intend to attempt to resolve Past Costs and embody any agreement relating to Past Costs in a future administrative order or consent decree for the Site. Upon the effective date of this Settlement Agreement, the Parties will commence Past Costs discussions and will attempt to resolve such issues so that an agreement is in place concurrent with the issuance of the Site Remedial Investigation Report. Nothing in this paragraph should be construed as a waiver of any rights of the Parties.

m. "Past Response Costs" shall mean the \$386,446.11 that the United States paid at or in connection with the Site through December 31, 2008, plus Interest on all such costs which has accrued pursuant to 42 U.S.C. § 9607(a) through such date.

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